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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,924	10/27/2003	Justin Monk	020375-043700US	5090
20350 7590 08/20/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
SHUMATE, PAUL W				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
08/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/694,924	Applicant(s) MONK, JUSTIN
Examiner PAUL SHUMATE	Art Unit 3693

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not found to be persuasive.

Applicant argues that Todd, Simpson, and Jimenez individually or in combination all fail to teach enabling a merchant to access funds from both the credit account and the stored-value account with the single identifier, and further argues that Jimenez does not disclose accessing funds from at least two accounts using a single identifier. The examiner respectfully disagrees. Jimenez teaches a combination bank/phone card that can be used as a credit/debit card to access funds from a bank account to conduct traditional bank card transactions and can also be used as a phone card to access funds from a phone card account to conduct traditional phone card transactions, all through the use of a single identifier. Specifically, the single identifier is the card account number found on the face of the card (see at least Figure 1-14 and paragraphs 0015, 0026), the account directly accessed in order to fund bank card transactions is the customer's debit or credit account, and the account directly accessed to fund phone card transactions is a temporary phone card account, which is different than the customer's credit or debit account, that has been loaded with funds from the customer's credit or debit account (see at least paragraphs 0042, 0044).

Further, while it is true that Todd does not explicitly teach verbatim a single identifier used to access funds from both a credit account and a stored-value, Todd does teach that a single user record maintains information about and allows access to funds in a credit or debit account as well as multiple reward records. The reward records are substantially equivalent to reward accounts and cash or point awards accumulated in the accounts can be used to purchase products or services (see at least paragraphs 0003, 0017, 0018, 0028, 0032, 0051). Therefore the identifier used in the user record to distinguish one user's record from another user's record is also a single identifier used to access funds from either the user's credit/debit account or the multiple reward account records.

Additionally, the examiner, in an attempt to help further prosecution, points out the following relevant prior art references which could properly be substituted for or added to the current prior art on record in order to provide further examples which teach or at least strongly suggest a single identifier used to access funds from at least two different accounts.

Teicher, in U.S. Patent No.: 6,076,075, as explained in previous Office Actions regarding related application 10/974,548, teaches a single payment card which includes at least an electronic purse (stored-value account) and an electronic checkbook (credit or debit account).

Blosson, in U.S. Patent No.: 6,631, 849, teaches a selectable multi-purpose card with a single card account identifier, found on the face of the card, which is used to selectively access funds from at least a user's debit account, credit account, or stored-value account.